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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,003	11/12/2003	Stephen Miller	2058.300C	5234
7590 06/25/2007 CONNORS & ASSOCIATES INC 1600 DOVE STREET SUITE 220 NEWPORT BEACH, CA 92660-2427			EXAMINER YIP, WINNIE S	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/726,003  
Filing Date: November 12, 2003  
Appellant(s): MILLER, STEPHEN

**MAILED**

**JUN 25 2007**

**GROUP 3600**

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John J. Connors  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed December 18, 2006 appealing from the Office action mailed June 15, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

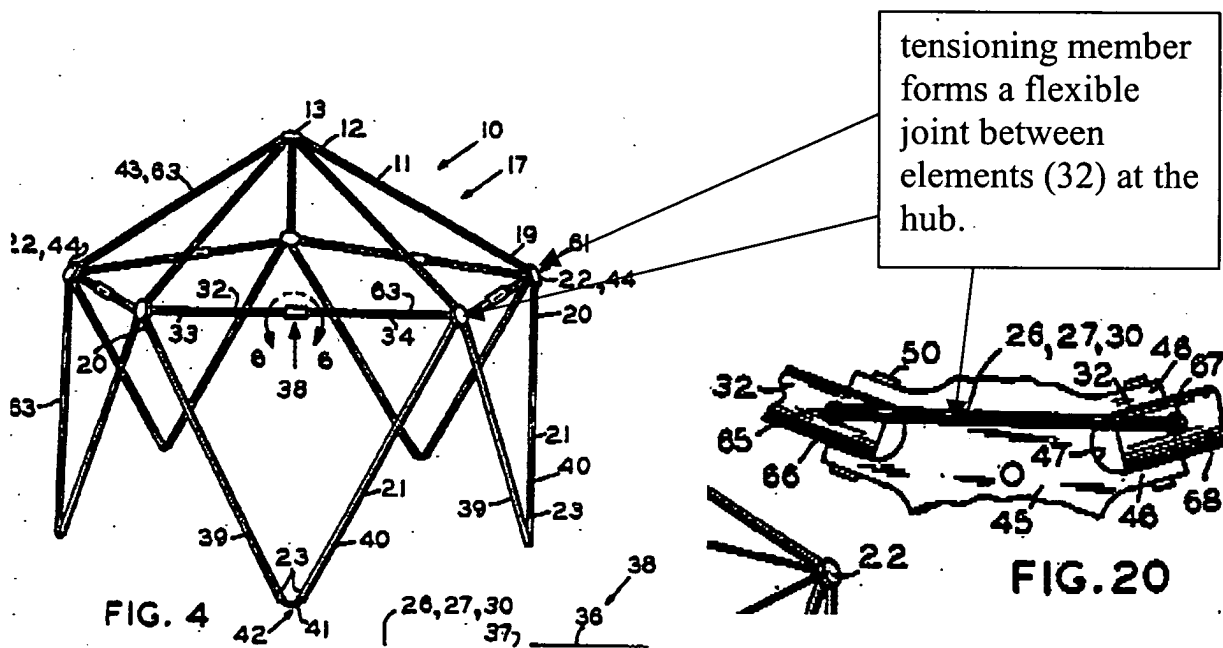
**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claims 61-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Brady (US Patent No. 5,423,341).**

Brady shows and teaches a collapsible support structure (10) comprising: a plurality of interconnected essentially triangular frame sections (21) each comprising: a pair of elongated rigid members (39, 40) each having first and second ends (23, 20), said first ends (23) of the pair elongated rigid members (39, 40) being operably connected together to form a first flexible joint (42) by means of a segment of flexible material such as a cylindrical rubber section (41) (see col. 6, lines 65-68), a collapsible elongated member (32) having first and second ends (63) being operably connected between the second ends (20) of the pair of elongated rigid members (39, 40), the collapsible elongated member (32) having a rigid state (see Figs 4 and 5) and a collapsed state (see Fig. 2 and 3), the collapsible elongated member (32) comprising a pair of rigid tubular members (33, 34), a rigidizing sleeve member (36) being slidably/operably mounted between the pair of rigid tubular members, the rigidizing member (36) being mounted to one of the pair of rigid tubular member (i.e., 34) and operably moved along into a position to engage and connect the other one of the pair of rigid tubular members (i.e., 33) when the two hollow rigid tubular members are essentially axially aligned each other to form a rigid state of the collapsible elongated member, and the rigidizing member (36) being removed and disengaged from the other one of the pair of rigid tubular member to form the collapsible elongated member in a collapsed position (see Figs. 2 and 3), and an elongated flexible

tensioning member (26) extending through and operably connecting the pair of rigid tubular members (33, 34) with the rigidizing member (36), wherein the two ends (66, 68) of the collapsible elongated member (32) are pivotally connected to the second ends (20) of the pair elongated rigid members (39, 40) by hub members respectively, and the hub members each is operably connected to the end of collapsible elongated member and the second end of one elongated rigid member of an adjacent frame section respectively, the tensioning member (26) extends through the ends (66) of the collapsible elongated member (32) in one frame section to operably connect ends (68) of the collapsible elongated member (32) of adjacent frame section to form a flexible joint respectively therebetween through the respective hub member, and such that the flexible tensioning member (26) are also operably connected between the ends of the pair of elongated rigid members by the flexible joints formed at the hub members and to the adjacent frame sections.



**(10) Response to Argument**

In response to Appellant's argument that the reference to Brady does not being anticipated to the claimed invention because of Brady does not disclose a flexible joint formed by a tensioning member as claimed, and Brady's structure has a joint (22) does not function as a flexible joint as claimed, it is not deemed persuasive.

In this case, Brady teaches and discloses a collapsible structure *comprising* a plurality of frame sections each having a collapsible elongated member, the collapsible elongated member comprising a pair of rigid tubular member (33, 34) *operably connected* by a rigidizing member (36), and a flexible rigid member (26, or 27, or 30) extending through the pair of rigid tubular member and the rigidizing member and having ends pivotally and *operably connected* to hub members (22, 45) respectively, and a pair elongated rigid members (39, 40) having second ends (or upper or lower ends) pivotally operably connected to the hub members (22, 45) respectively, wherein each hub members (22, 45) are considered to provide "flexible joint" between ends of rigid tubular members and elongated rigid members of adjacent frame sections such that the members can be operably coupled between a collapsed position and an opened position. Brady teaches the flexible tensioning member (26, 27, 30) is extended through opposite ends (66) of the pair of rigid tubular members (32) and operably connected to another end (68) of the rigid tubular member (32) of adjacent frame section (see Fig. 20) such that when pull up of the tensioning member (26, or 27) will flexibly tie adjacent frame sections together in an open position as solve the same problem as the claimed invention. Therefore, Brady teaches the elongated flexible tensioning member (26) will form a *flexible joint* between two rigid tubular

members at the vertex between two adjacent frame sections as claimed invention. Wherein, the tensioning member (26) forms a *flexible joint* as a part of the joint member (the hub member 22) between adjacent frame sections. And, ends of elongated rigid members of two adjacent frame sections are operably connected by the flexible joint at the “hub member”. To argue the structure including additional element such as “hub member” not required by Appellant’s invention is irrelevant.

Further, in this case, appellant does not claim the tensioning member directly connected, but “operably connected” to the two elongated rigid members to forms a second flexible joints therebetween. The phrase “operably connected” claims two elements not necessary directly connected together but would be operable through other elements that are operably jointed together by suitable mechanism.

And, appellant claims a collapsible support structure “comprising” “*(said) tensioning member being operably connected between the second ends of the first and second elongated rigid members (62, 64) to form second flexible joints thereat, each said second flexible joint being operably connected to an adjacent frame section*”. The transitional phrase “comprising” defines the scope of a claim with respect to what unrecited additional components or steps, if any, are excluded from the scope of the claim. Therefore, the *flexible joint* may be not just including the elongated flexible tensioning member but would include other additional elements such as the hub member (45). In this case, the elongated flexible tensioning member (26) is considered forms a *flexible joint* as a part of the hub member operably connected between elements such as the rigid tubular members and elongated rigid members of two adjacent frame sections.

Therefore, the language “operably connected”.... to form “second flexible joints” broadly read on the reference to Brady.

The claims are rejected as being anticipated by Brady.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

June 08, 2007



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Primary Examiner  
Art Unit 3636

Conferees:

Dunn, David   
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